

REMARKS

Claims 1-15 are all the claims pending in the application.

Reconsideration and review of the claims on the merits are respectfully requested.

Formal Matters

Applicants appreciate the Examiner's acknowledgement of Applicants' claim for foreign priority and receipt of the copy of the foreign priority document.

Applicants also appreciate the Examiner's consideration of the Information Disclosure Statement filed on March 19, 2004.

Claim Rejections - 35 U.S.C. § 103

A. Claims 1-11 and 15 are rejected under 35 U.S.C. §103(a) as assertedly being unpatentable over Murayama et al (US 2003/0152806) in view of Naoe et al (US 6,428,884) and Okita et al (US 4,664,965), for the reasons given in the Office Action.

B. Claims 12-14 are rejected under 35 U.S.C. §103(a) as assertedly being unpatentable over Murayama et al in view of Naoe et al and Okita et al as applied to claim 1 in view of Akutsu (US 4,789,583), for the reasons given in the Office Action.

Applicants respond as follows for both of the obviousness rejections.

Murayama et al. is applied as a reference under 35 U.S.C. §103(a), with reference dates available under both §102(a) and §102(e). Murayama has a publication date of August 14, 2003, and a filing date of October 8, 2002, where the patent is assigned to Fuji Photo Film, Ltd.

In response, Applicants remove Murayama as a §103(a)/§102(a) reference by antedating its publication date by filing a verified English translation of Applicants' foreign priority document, filed March 24, 2003. Written description support for the present claims is found in the English translation of the priority document as follows:

Claim 1 of the present invention finds support, for example, in Claim 1 on page 1 of the English translation of the priority document.

Claim 2 finds support, for example, at page 19, section [0046].

Claim 3 finds support, for example, at page 24, section [0054].

Claims 4 and 5 find support, for example, at page 41, section [0085].

Claim 6 finds support, for example, at page 31, section [0072].

Claim 7 finds support, for example, at pages 31-32, section [0072].

Claim 8 finds support, for example, at pages 51-52, sections [0103]-[0104].

Claims 9-11 find support, for example, at page 64, section [0124].

Claim 12 finds support, for example, at pages 58-59, section [0113].

Claims 13-14 find support, for example, at page 64, section [0123].

Claim 15 finds support, for example, at pages 6-7, section [0011].

Applicants invoke 35 U.S.C. §103(c) to remove Murayama as a §103(a)/§102(e) reference by affirming that the subject matter of Murayama et al. and the presently claimed invention were both, at the time the claimed invention was made, subject to an obligation of assignment to Fuji Photo Film Co., Ltd.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the obviousness rejections.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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